

1-1 By: Blanco S.B. No. 623
1-2 (In the Senate - Filed February 8, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Veteran Affairs &
1-4 Border Security; April 7, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 7, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Campbell	X		
1-10	Hall	X		
1-11	Blanco	X		
1-12	Eckhardt	X		
1-13	Gutierrez	X		
1-14	Seliger	X		
1-15	Taylor	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 623 By: Blanco

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the investigation and punishment of certain sexual
1-20 offenses, to protective orders issued on the basis of certain
1-21 sexual offenses, to crime victims' compensation, and to the
1-22 establishment of a state sexual offense prevention and response
1-23 program for the Texas Military Department.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-25 SECTION 1. Chapter 432, Government Code, is amended by
1-26 adding Subchapter J-1 to read as follows:

1-27 SUBCHAPTER J-1. SEXUAL OFFENSE PREVENTION AND RESPONSE

1-28 Sec. 432.171. DEFINITIONS. In this subchapter:

1-29 (1) "Coordinator" means the state sexual offense
1-30 response coordinator employed as provided by this subchapter.

1-31 (2) "Department" means the Texas Military Department.

1-32 (3) "Program" means the state sexual offense
1-33 prevention and response program established as provided by this
1-34 subchapter.

1-35 (4) "Restricted report" means a reporting option that
1-36 allows a person who is a victim of an offense to confidentially
1-37 disclose the offense to the coordinator and obtain medical
1-38 treatment, including emergency care and counseling, without
1-39 initiating an investigation. The report may not be referred to law
1-40 enforcement officers or to command officials of the Texas military
1-41 forces to initiate an official investigation unless the person who
1-42 reported the offense consents.

1-43 (5) "Texas military forces" means the Texas Army
1-44 National Guard, the Texas Air National Guard, and the Texas State
1-45 Guard.

1-46 (6) "Unrestricted report" means a reporting option
1-47 that allows a person who is a victim of an offense to report the
1-48 offense to the coordinator if the person does not request
1-49 confidentiality in reporting the offense or request a restricted
1-50 report.

1-51 Sec. 432.172. SEXUAL ASSAULT AND INDECENT ASSAULT. A
1-52 person subject to this chapter who commits an offense under Section
1-53 22.011, 22.012, or 22.021, Penal Code, is subject to investigation
1-54 under this subchapter and punishment under this chapter.

1-55 Sec. 432.173. STATE SEXUAL OFFENSE PREVENTION AND RESPONSE
1-56 PROGRAM; COORDINATOR. (a) To the extent state funds are available
1-57 for this purpose, the department shall establish a state sexual
1-58 offense prevention and response program and employ or designate a
1-59 state sexual offense response coordinator to perform victim
1-60 advocacy services, including ensuring that persons who are victims

2-1 of sexual assault or indecent assault receive appropriate
 2-2 responsive care and understand the options available for reporting
 2-3 the assault.

2-4 (b) The coordinator shall accept reports for alleged
 2-5 offenses under Sections 22.011, 22.012, and 22.021, Penal Code,
 2-6 made by a person who is a member of the Texas military forces
 2-7 against an accused person who is a member of the Texas military
 2-8 forces.

2-9 (c) The coordinator shall notify each person who is a victim
 2-10 of a sexual assault reported under Subsection (b) of their
 2-11 eligibility for crime victims' compensation under Chapter 56B, Code
 2-12 of Criminal Procedure.

2-13 (d) The program and coordinator are within the department
 2-14 but shall exercise the authority granted under this subchapter
 2-15 independently from the chain of command within the department.

2-16 (e) The coordinator must allow a member of the Texas
 2-17 military forces who is the victim of an alleged offense under
 2-18 Section 22.011, 22.012, or 22.021, Penal Code, to:

2-19 (1) file with the coordinator a restricted or
 2-20 unrestricted report or file a restricted report and later convert
 2-21 that report to an unrestricted report;

2-22 (2) participate in the United States Department of
 2-23 Defense Catch a Serial Offender program; and

2-24 (3) receive notice when the coordinator is made aware
 2-25 that the accused person has been subsequently accused of an offense
 2-26 under Section 22.011, 22.012, or 22.021, Penal Code, by a service
 2-27 member or any other person.

2-28 Sec. 432.174. INVESTIGATION. (a) On the filing of an
 2-29 unrestricted report alleging an offense under Section 22.011 or
 2-30 22.021, Penal Code, the coordinator:

2-31 (1) shall refer the unrestricted report to the Texas
 2-32 Rangers division of the Department of Public Safety for
 2-33 investigation; and

2-34 (2) may refer the unrestricted report to the
 2-35 appropriate local law enforcement agency for the initial collection
 2-36 of evidence.

2-37 (b) A local law enforcement agency that initially collects
 2-38 evidence for an unrestricted report under Subsection (a) shall
 2-39 transfer all relevant evidence and information to the Texas Rangers
 2-40 division of the Department of Public Safety on request of the
 2-41 division.

2-42 (c) On the filing of an unrestricted report alleging an
 2-43 offense under Section 22.012, Penal Code, the coordinator shall
 2-44 refer the unrestricted report to the appropriate local law
 2-45 enforcement agency for investigation.

2-46 (d) The Texas Rangers division of the Department of Public
 2-47 Safety shall assign an officer of the Texas Rangers to investigate
 2-48 reports referred to the division under this section. If the
 2-49 investigation demonstrates probable cause that an offense under
 2-50 Section 22.011 or 22.021, Penal Code, was committed by a person
 2-51 subject to this chapter, the investigator shall refer the matter to
 2-52 the appropriate local district attorney, criminal district
 2-53 attorney, or county attorney with criminal jurisdiction.

2-54 Sec. 432.175. PROTECTIVE ORDER. In accordance with Article
 2-55 7B.001(a-1), Code of Criminal Procedure, and with the consent of
 2-56 the person who is the victim of an offense under Section 22.011,
 2-57 22.012, or 22.021, Penal Code, alleged to have been committed by a
 2-58 person subject to this chapter, the coordinator may file an
 2-59 application for a protective order under Subchapter A, Chapter 7B,
 2-60 Code of Criminal Procedure, on behalf of the victim.

2-61 Sec. 432.176. REPORT TO LEGISLATURE; LEGISLATIVE
 2-62 OVERSIGHT. (a) The adjutant general or coordinator shall annually
 2-63 submit a report on the activities under the program and the
 2-64 activities of the department relating to sexual offense prevention
 2-65 and response to:

2-66 (1) the governor;

2-67 (2) the lieutenant governor;

2-68 (3) the speaker of the house of representatives; and

2-69 (4) the chairs of the standing committees of the

3-1 senate and house of representatives with primary jurisdiction over
 3-2 the department.

3-3 (b) Using state data collected by the coordinator, the
 3-4 report must include for the preceding state fiscal year:

3-5 (1) the policies and procedures implemented by the
 3-6 coordinator and adjutant general in response to incidents of sexual
 3-7 assault and indecent assault;

3-8 (2) an assessment of the implementation and
 3-9 effectiveness of the program and the policies and procedures on the
 3-10 prevention and oversight of and the state's response to reports of
 3-11 sexual assault and indecent assault within the department;

3-12 (3) an analysis of the number of incidents of sexual
 3-13 assault and indecent assault involving members of the Texas
 3-14 military forces; and

3-15 (4) deficiencies in the department's training of the
 3-16 coordinator.

3-17 (c) Information provided in the report required under
 3-18 Subsection (b)(3) for restricted cases is limited to aggregated
 3-19 statistical data to protect victim privacy and for unrestricted
 3-20 cases is limited to aggregated statistical data that at a minimum
 3-21 includes:

3-22 (1) statistics relating to the types of offenses
 3-23 investigated under this subchapter;

3-24 (2) statistics relating to victims and accused
 3-25 persons;

3-26 (3) the status of investigations under this subchapter
 3-27 and prosecutions under this chapter; and

3-28 (4) the status of administrative actions taken by the
 3-29 department against members of the Texas military forces who are on
 3-30 state active duty.

3-31 SECTION 2. Article 7B.001, Code of Criminal Procedure, is
 3-32 amended by adding Subsection (a-1) to read as follows:

3-33 (a-1) In addition to the persons having standing to file the
 3-34 application under Subsection (a), the state sexual offense response
 3-35 coordinator described by Subchapter J-1, Chapter 432, Government
 3-36 Code, with the consent of a person who is the victim of an offense
 3-37 under Section 22.011, 22.012, or 22.021, Penal Code, alleged to
 3-38 have been committed by a person subject to Chapter 432, Government
 3-39 Code, may file an application for a protective order under this
 3-40 subchapter on behalf of the victim.

3-41 SECTION 3. Article 7B.002, Code of Criminal Procedure, is
 3-42 amended to conform to Chapter 955 (S.B. 194), Acts of the 86th
 3-43 Legislature, Regular Session, 2019, and further amended to read as
 3-44 follows:

3-45 Art. 7B.002. TEMPORARY EX PARTE ORDER. (a) If the court
 3-46 finds from the information contained in an application for a
 3-47 protective order that there is a clear and present danger of sexual
 3-48 assault or abuse, indecent assault, stalking, trafficking, or other
 3-49 harm to the applicant, the court, without further notice to the
 3-50 alleged offender and without a hearing, may issue a temporary ex
 3-51 parte order for the protection of the applicant or any other member
 3-52 of the applicant's family or household.

3-53 (b) For purposes of this article, a military protective
 3-54 order issued to a person because the person was a reported victim of
 3-55 an offense under Section 22.011, 22.012, or 22.021, Penal Code,
 3-56 constitutes sufficient information for a court to find there is a
 3-57 clear and present danger of sexual assault or abuse or other harm to
 3-58 the applicant.

3-59 SECTION 4. The Texas Military Department is required to
 3-60 implement a provision of this Act only if the legislature
 3-61 appropriates money specifically for that purpose. If the
 3-62 legislature does not appropriate money specifically for that
 3-63 purpose, the Texas Military Department may, but is not required to,
 3-64 implement a provision of this Act using other appropriations
 3-65 available for that purpose.

3-66 SECTION 5. To the extent of any conflict, this Act prevails
 3-67 over another Act of the 87th Legislature, Regular Session, 2021,
 3-68 relating to nonsubstantive additions to and corrections in enacted
 3-69 codes.

4-1 SECTION 6. This Act takes effect September 1, 2021.

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